

SENATE BILL No. 493

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-22-8-34; IC 25-13-1-10.

Synopsis: Services provided by Wishard dental hygienists. Allows a dental hygienist employed by Wishard Memorial Hospital to provide certain services under specified circumstances.

Effective: July 1, 2007.

Breaux

January 18, 2007, read first time and referred to Committee on Health and Provider Services.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

SENATE BILL No. 493

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 16-22-8-34, AS AMENDED BY P.L.88-2006,
2 SECTION 5, AND AS AMENDED BY P.L.145-2006, SECTION 133,
3 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2007]: Sec. 34. (a) The board or corporation
5 may do all acts necessary or reasonably incident to carrying out the
6 purposes of this chapter, including the following:
7 (1) As a municipal corporation, sue and be sued in any court with
8 jurisdiction.
9 (2) To serve as the exclusive local board of health and local
10 department of health within the county with the powers and duties
11 conferred by law upon local boards of health and local
12 departments of health.
13 (3) To adopt and enforce ordinances consistent with Indiana law
14 and administrative rules for the following purposes:
15 (A) To protect property owned or managed by the corporation.
16 (B) To determine, prevent, and abate public health nuisances.
17 (C) To establish quarantine regulations, impose restrictions on



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persons having infectious or contagious diseases and contacts of the persons, and regulate the disinfection of premises.

(D) To license, regulate, and establish minimum sanitary standards for the operation of a business handling, producing, processing, preparing, manufacturing, packing, storing, selling, distributing, or transporting articles used for food, drink, confectionery, or condiment in the interest of the public health.

(E) To control:

(i) rodents, mosquitos, and other animals, including insects, capable of transmitting microorganisms and disease to humans and other animals; and

(ii) the animal's breeding places.

(F) To require persons to connect to available sewer systems and to regulate the disposal of domestic or sanitary sewage by private methods. However, the board and corporation have no jurisdiction over publicly owned or financed sewer systems or sanitation and disposal plants.

(G) To control rabies.

(H) For the sanitary regulation of water supplies for domestic use.

(I) To protect, promote, or improve public health. For public health activities and to enforce public health laws, the state health data center described in IC 16-19-10 shall provide health data, medical information, and epidemiological information to the corporation.

(J) To detect, report, prevent, and control disease affecting public health.

(K) To investigate and diagnose health problems and health hazards.

(L) To regulate the sanitary and structural conditions of residential and nonresidential buildings and unsafe premises.

(M) To license and regulate the design, construction, and operation of public pools, spas, and beaches.

(N) To regulate the storage, containment, handling, use, and disposal of hazardous materials.

(O) To license and regulate tattoo parlors and body piercing facilities.

(4) To manage the corporation's hospitals, medical facilities, and mental health facilities.

(5) To furnish health and nursing services to elementary and secondary schools within the county.

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(6) To furnish medical care to the indigent within the county unless medical care is furnished to the indigent by the division of family ~~and children~~ resources.

(7) To furnish dental services to the indigent within the county, including the services as provided in subsection (c).

~~(7)~~ **(8)** To determine the public health policies and programs to be carried out and administered by the corporation.

~~(8)~~ **(9)** To adopt an annual budget ordinance and levy taxes.

~~(9)~~ **(10)** To incur indebtedness in the name of the corporation.

~~(10)~~ **(11)** To organize the personnel and functions of the corporation into divisions and subdivisions to carry out the corporation's powers and duties and to consolidate, divide, or abolish the divisions and subdivisions.

~~(11)~~ **(12)** To acquire and dispose of property.

~~(12)~~ **(13)** To receive *charitable contributions* and ~~make~~ gifts as provided in 26 U.S.C. 170.

~~(13)~~ **(14)** To make *charitable contributions and gifts*.

~~(14)~~ **(15)** To establish a *charitable foundation as provided in 26 U.S.C. 501*.

~~(15)~~ ~~(15)~~ **(16)** To receive and distribute federal, state, local, or private grants.

~~(16)~~ **(17)** To receive and distribute grants from *charitable foundations*.

~~(17)~~ **(18)** To establish *nonprofit corporations to carry out the purposes of the corporation*.

~~(18)~~ ~~(18)~~ **(19)** To erect buildings or structures or improvements to existing buildings or structures.

~~(19)~~ ~~(19)~~ **(20)** To determine matters of policy regarding internal organization and operating procedures.

~~(20)~~ ~~(20)~~ **(21)** To do the following:

(A) Adopt a schedule of reasonable charges for nonresidents of the county for medical and mental health services.

(B) Collect the charges from the patient or from the governmental unit where the patient resided at the time of the service.

(C) Require security for the payment of the charges.

~~(21)~~ ~~(21)~~ **(22)** To adopt a schedule of and to collect reasonable charges for patients able to pay in full or in part.

~~(22)~~ ~~(22)~~ **(23)** To enforce Indiana laws, administrative rules, and the code of the health and hospital corporation of the county.

~~(23)~~ ~~(23)~~ **(24)** To purchase supplies, materials, and equipment for the corporation.

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~~(20)~~ ~~(24)~~ **(25)** To employ personnel and establish personnel policies to carry out the duties, functions, and powers of the corporation.

~~(21)~~ ~~(25)~~ **(26)** To employ attorneys admitted to practice law in Indiana.

~~(22)~~ ~~(26)~~ **(27)** To acquire, erect, equip, and operate the corporation's hospitals, medical facilities, and mental health facilities.

~~(23)~~ ~~(27)~~ **(28)** To dispose of surplus property in accordance with a policy by the board.

~~(24)~~ ~~(28)~~ **(29)** To determine the duties of officers and division directors.

~~(25)~~ ~~(29)~~ **(30)** To fix the compensation of the officers and division directors.

~~(26)~~ ~~(30)~~ **(31)** To carry out the purposes and object of the corporation.

~~(27)~~ ~~(31)~~ **(32)** To obtain loans for hospital expenses in amounts and upon terms agreeable to the board. The board may secure the loans by pledging accounts receivable or other security in hospital funds.

~~(28)~~ ~~(32)~~ **(33)** To establish fees for licenses, services, and records. The corporation may accept payment by credit card for fees.

(b) The board shall exercise the board's powers and duties in a manner consistent with Indiana law, administrative rules, and the code of the health and hospital corporation of the county.

(c) Notwithstanding IC 25-13-1-10, after a dentist licensed under IC 25-14 who is employed by the health and hospital corporation examines a child enrolled in any grade up to and including grade 12 and prescribes a treatment plan in writing for the child, a licensed dental hygienist employed by the health and hospital corporation may, without supervision by the dentist, provide the child with the following treatment in accordance with the treatment plan:

(1) Prophylaxis.

(2) Fluoride application.

(3) Sealants.

SECTION 2. IC 25-13-1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. (a) A licensed dental hygienist may be employed to practice dental hygiene in Indiana in the following:

(1) The office of a legally practicing proprietor dentist.

(2) A dental school or dental hygiene school to teach and

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demonstrate the practice of dental hygiene.

(3) The dental clinic of any public, parochial, or private school or other institution supported by public or private funds in which the licensee is employed by the state department of health or any county or city board of health or board of education or school trustee or parochial authority or the governing body of any private school. However, institutional practice, other than dental hygiene instruction and dental prophylaxis for children up to and including grade 12 pupils at all times must be under the supervision of a licensed dentist.

(4) The dental clinic of a bona fide hospital, sanitarium, or eleemosynary institution duly established and being operated under the laws of Indiana in which the licensee is employed by the directors or governing board of such hospital, sanitarium, or institution. However, such practice must be under the supervision at all times of a licensed dentist who is a staff member of the hospital or sanitarium or a member of the governing board of the institution.

(5) The dental clinic of an industrial or a commercial establishment in which the licensee's services are under the supervision of a licensed dentist.

(b) A licensed dental hygienist may provide without supervision the following:

(1) Dental hygiene instruction and in-service training without restriction on location.

(2) Dental prophylaxis for children up to and including grade 12 if the dental hygienist is employed by any of the following:

(A) The state department of health.

(B) The department of education.

(C) The elementary or secondary school where the services are provided.

(3) Screening and referrals for any person in a public health setting.

(4) Services as provided in IC 16-22-8-34.

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